



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,084	03/29/2001	Christian R. Thomas	42390P10460	7001

8791 7590 02/20/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
----------	--------------

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/823,084

Applicant(s)

THOMAS ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2006 has been entered.

Response to Amendment

2. The applicant's amendment received on 12/11/2006 is acknowledged and entered. The applicant has amended claims 1,6,13 and 17. Currently claims 1-20 are pending for examination.

Response to Arguments

3. Applicant's arguments, see Remarks pages 6-12, filed on 12/11/2006, with respect to claims 1-20 have been fully considered but are moot in view of new grounds of rejection necessitated due to current amendments.

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific

Art Unit: 3625

limitations within the individual claim, other relevant and related passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the other relevant and related passages and figures in the cited references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Slaughter et al (US Patent 6,950,875), hereinafter Slaughter.

Regarding claim 1, Slaughter discloses a method comprising:

registering, by a service provider, an Internet service with a broker (see at least col.14, lines 10-36 and figs.6 and 8, where service provider, "112" advertises/registers its services with spaces "114" which corresponds to a broker.);

transmitting, by the service provider, metadata, to the broker, describing at least one communication proxy, including at least one supported protocols, a type, and a location of the communication proxy, the communication proxy provided by the service provider to enable client-access to the Internet service (see at least col.7, line 17-col.8, line 21, Fig.8, col. 14, lines

Art Unit: 3625

37-col.15, line 14. Slaughter suggests that a service provider advertises its services with a space service specifies also a message conductor/service interface [this corresponds to the claimed communication proxy] which is downloaded to the client to enable client-access to Internet-service); and

accessing, by the communication proxy, a web server of the service provider to provide the Internet service to a client if the communication proxy is compatible with the client requirement (see at least col.7, line 17-col.8, line 21, Fig.8, col. 14, lines 37-col.15, line 65. Slaughter suggests that a service provider advertises its services with a space service specifies also a message conductor/service interface [this corresponds to the claimed communication proxy] which is downloaded to the client to enable client-access to Internet-service. Accessing the services of service provider, "112" corresponds to accessing a web service of the service provider to provide the Internet service to a client if the communication proxy is compatible with the client requirement).

Regarding claim 2, Slaughter discloses a method as disclosed in claim 1. Slaughter further suggests downloading the communication proxy from the location to a node local to the client (see at least col.7, line 17-col.8, line 21, Fig.8, col. 14, lines 37-col.15, line 14. Slaughter suggests that a service provider advertises its services with a space service specifies also a message conductor/service interface [this corresponds to the claimed communication proxy] which is downloaded to the client to enable client-access to Internet-service. Accessing the services of service provider, "112" corresponds to accessing a web service of the service provider to provide the Internet service to a client if the communication proxy is compatible with the client requirement)

Art Unit: 3625

Regarding claim 3, Slaughter further discloses that in claim 1, the type of communication proxy is one of Java, common language runtime (CLR), component object model (COM), and Win32 binaries (see at least col.7, lines 23-32).

Regarding claim 4, Slaughter further suggests that the method in claim 1, wherein the at least one supported protocol of the communication proxy includes at least one of hypertext transfer protocol (HTTP), simple mail transfer protocol (SMTP), simple object access protocol (SOAP), secure sockets layer (SSL/HTTPS), and secure HTTP (S-HUP) (see at least col.13, line 29-col.14, line 10 which discloses that the messaging system, that is the message conductor/service interface-the communication proxy can be implemented on any network, such as TCP/IP or UDP/IP, etc.).

Regarding claim 5, the limitations are already covered by claims 1 and 4 and therefore analyzed and rejected on the same basis.

Regarding claims 6-8 and 10-12, their limitations are closely parallel to the limitations recited in claims 1-5 and are therefore, analyzed and rejected similarly based on same rationale.

Regarding claim 9, Slaughter discloses that the method as in claim 6, wherein interacting comprises: dynamic interacting (see at least col.16, line 49-col.17, line 24).

Regarding claims 13-20, their limitations are already covered in the claims 1-12 above and are therefore analyzed and rejected based on same rationale as being anticipated by Slaughter.

Art Unit: 3625

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
2/14/2007